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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/541,070 | 06/29/2005 | Atsuko Kosuda | 124508 | 6057 |
| 25944 | 7590 | 03/21/2006 | EXAMINER | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | DINKINS, ANTHONY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2831 | |

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/541,070 | KOSUDA ET AL. | |
| | Examiner | Art Unit | |
| | Anthony Dinkins | 2831 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 6/29/2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 and 6-11 is/are rejected.

7) Claim(s) 5 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09105.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-08-107047. JP-08-107047 discloses in Figure 5, an electrochemical capacitor having an anode and a cathode, insulating separator, an electrolytic solution, a casing, wherein the anode contains substantially spherical carbon material having an electronic conductivity as a constituent material and a cathode which contains fibrous carbon material having an electronic conductivity as a constituent material, see page 2 of 9 para [0009-0011]. Regarding claim 4, wherein the separator comprises an insulating porous body; wherein the anode includes a porous layer containing the substantially spherical carbon material; wherein the cathode includes a porous layer containing the fibrous carbon material; and wherein the electrolytic solution is at least partially contained in the anode, cathode, and separator, see page 2-3. Regarding claim 11, wherein the electrolytic solution is an electrolytic solution using an organic solvent, see page 4 of 9.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 6-10 rejected under 35 U.S.C. 103(a) as being unpatentable over JP-08-107047. JP-08-107047 discloses applicant's claimed invention except for having the carbon material to have the desired range, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the carbon material to have the desired range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claims 6 and 8, JP-08-107047 discloses applicant's claimed invention except for having the desired mass % of the carbon material in the porous layer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the desired mass % of the spherical carbon material in the porous layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claims 7 and 9, JP-08-107047 discloses applicant's claimed invention except for having desired range for the specific surface area. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the desired range for the specific surface area of the spherical carbon material in the porous layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in

the art. *In re Aller*, 105 USPQ 233. Regarding claim 10, JP-08-107047 discloses applicant's claimed invention except for having the desired ratio of void volume in the porous body volume of the porous body contained in the separator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the desired ratio of void volume in the porous body volume of the porous body contained in the separator, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Allowable Subject Matter

3. Claim 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | |
|-----------------|-----------|
| Nonaka et al. | 6,808,845 |
| Sagal | 6,620,366 |
| Morimoto et al. | 4,862,328 |
| Otowa et al. | 6,413,409 |
| Andelman | 5,748,437 |

Conclusion

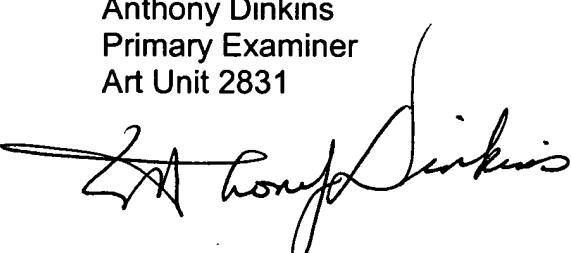
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Dinkins whose telephone number is (571) 272-1972. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Dinkins
Primary Examiner
Art Unit 2831

AD


ANTHONY DINKINS
PRIMARY EXAMINER